

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT NATIONSTAR
MORTGAGE LLC D/B/A MR. COOPER TO FORECLOSE ON 964 WOODCREST
ROAD, ABINGTON, PA 19001**

Nationstar Mortgage LLC d/b/a Mr. Cooper (the "Creditor") moves this Court, under Bankruptcy Code §§ 361, 362, 363, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362 and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. Christopher J Parke ("Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on May 31, 2019, ("Petition").

5. Debtor is currently obligated to Nationstar Mortgage LLC d/b/a Mr. Cooper , under the terms of a certain Note, dated May 22, 2006, in the original principal amount of \$176,000.00 executed by Debtor (hereinafter "Note").

6. As security for repayment of the Note, Debtor executed a certain Mortgage, dated of even date and of even amount, currently in favor of Nationstar Mortgage LLC d/b/a Mr. Cooper , with respect to certain real property owned by the Debtor located at 964 Woodcrest Road, Abington, PA 19001 (hereinafter "Mortgaged Premises") and being recorded in Montgomery County Recordings Office at Mortgage Book Volume 12061, Page 00834 to 00850 on March 20, 2007 in the Office of the Recorder of Deeds in and for Montgomery County, Pennsylvania ("Mortgage").

7. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary. Debtor(s) executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust.

8. Debtor has failed to make post-petition mortgage payments for the past 2 months, as of July 18, 2019.

9. Due to said failure by Debtor to make payments when due, Creditor lacks adequate protection of its security interest in the Mortgaged Premises.

10. The total loan balance and the amount past due to Nationstar Mortgage LLC d/b/a Mr. Cooper in post-petition arrearages are \$174,587.97 and \$3,452.88, respectively, as of July 18, 2019.

11. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of Nationstar Mortgage LLC d/b/a Mr. Cooper in the Mortgaged Premises, pursuant to Section 362(d)(1).

WHEREFORE, Nationstar Mortgage LLC d/b/a Mr. Cooper respectfully requests this Honorable Court to enter an order terminating the Automatic Stay as it affects the interest of Nationstar Mortgage LLC d/b/a Mr. Cooper in the Mortgaged Premises of the Debtor specifically identified in the Mortgage, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Karina Velter
Karina Velter, Esquire (94781)
Adam B. Hall (323867)
Sarah E. Barngrover (323972)
Manley Deas Kochalski LLC
P.O. Box 165028
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Attorneys for Creditor
The case attorney for this file is Karina Velter.
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

: Case No.: 19-13500

Christopher J Parke

: Chapter 13

: Judge Magdeline D. Coleman

Debtor(s) : * * * * *

:

**Nationstar Mortgage LLC d/b/a Mr.
Cooper**

: Date and Time of Hearing

: Place of Hearing

Movant, : August 27, 2019 at 10:30 a.m.

:
vs

:

Christopher J Parke

: U.S. Bankruptcy Court

: 900 Market Street, Courtroom #2

: Philadelphia, PA, 19107

William C. Miller

:

Respondents.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay to permit Nationstar Mortgage LLC d/b/a Mr. Cooper to foreclose on 964 Woodcrest Road, Abington, PA 19001 was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500, Philadelphia, PA 19107

William C. Miller, Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105

Brad J. Sadek, Attorney for Christopher J Parke, Sadek and Cooper, 1315 Walnut Street, Suite 502, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on August 1, 2019:

Christopher J Parke, 964 Woodcrest Road, Abington, PA 19001

Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101

DATE: August 1, 2019

/s/ Karina Velter

Karina Velter, Esquire (94781)
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Sarah E. Barngrover (323972)
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